IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 2565 of 1999

Between:
Pydah Educational Academy, Ramnagar,
Visakhapatnam, rep. by its Member

..... PETITIONER

AND

1. Govt. of Andhra Pradesh, rep. by its
   Secretary, Education Department,
   Secretariat, Hyderabad.
2. University of Health Sciences,
   Vijayawada, rep. by its Registrar
3. Free Polio Surgical & Research Foundation
   D.No.14-3-18, Miharanipet, Visakhapatnam-630 002
   Rep. by its Secretary.
4. Visakha Academy of
   Paramedical Sciences Charitable Trust
   D.No.1-91-2, Sector 5, MVP Colony,
   Visakhapatnam, rep. by its Secretary.
5. Govt. of A.P., rep. by its Secretary, Health, Medical
   and Family Welfare Department, Secretariat,
   Hyderabad.

   (5th respondent is impleaded as per Court order dt.19.4.1999 in W.P.M.P.No.3837 of 1999)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents in not granting the Essentiality Certificate in favour of the petitioner for running the Degree course in Bachelor of Physio Therapy as illegal, arbitrary etc., with a consequential direction to the respondents to issue the same in favour of the petitioner.

Counsel for the Petitioner:MR.V.V.L.N.SARMA

Counsel for the Respondent Nos.1 and 5: G.P. FOR MEDICAL& HEALTH
Counsel for the Respondent No.2: Standing Counsel
Counsel for the Respondent No.3:MR.M.L.ALI

Counsel for the Respondent No.4:Smt.K.SESHARAJYAM

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2565 OF 1999

ORDER:

Pursuant to notification dt.27.10.1997, published in Eenadu Telugu daily newspaper inviting applications from private educational agencies for issue of essentiality certificate for establishing Private Para-Medical Courses in Physiotherapy etc, the petitioner submitted an application to second respondent. It appears, the Selection Committee constituted under G.O.Ms.No.267, dt.14.7.1997 considered the application of the petitioner as well as eight other institutions and recommended to the competent authority for issue of essentiality certificate to respondents 3 and 4. However, the petitioner's case was not considered. Hence, the petitioner filed the present Writ Petition seeking a direction to the respondents 1, 2 and 5, to issue essentiality certificate to the petitioner.

Admittedly, applications for issue of essentiality certificate were called for during the academic year 1997-1998 and the applications were considered by the Selection Committee in 1998 itself. Therefore, at this point of time, if any relief is granted to petitioner, it would amount to issuing Mandamus contrary to relevant procedure. Be it noted, the essentiality certificate is given to all the private institutions for establishing Para-Medical Institutions for particular academic year. Therefore, this Court is not inclined to give direction in favour of petitioner, which would result in giving such essentiality certificate retrospectively.

In that view of the mater, the Writ Petition has become infructuous and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

25.8.2004
bnr

To

1. The Secretary, Education Department
   Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Registrar, University of Health Sciences,
   Vijayawada
3. The Secretary, Health, Medical
   and Family Welfare Department,
   Government of Andhra Pradesh, Secretariat,
   Hyderabad.
4. 2 CCs to G.P. for Medical & Health, High Court Bldgs.,
   Hyderabad (OUT)
5. 2 CD copies.